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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,765

02/05/2004

Seppo Pohja

915-007.074

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01/30/2009

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EXAMINER

POLLACK, MELVIN H

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

01/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/773,765	Applicant(s) POHJA ET AL.	
	Examiner MELVIN H. POLLACK	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22,24-31 and 62-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22,24-31 and 62-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 14 October 2008 have been fully considered but they are not persuasive. An analysis of the arguments is provided below.
2. The 112 rejection has been withdrawn in light of the amendment and remarks.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the particular definition of "physical manipulation" as defined in remarks, Pp. 16-17) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. Interpretation of the phrase is meant to be within the broadest reasonable interpretation as known to one of ordinary skill in the art. "Physical manipulation" and "external influence" may indicate that the object itself is shaken, twisted, etc. as noted in the remarks. But the term may also indicate that the object is pressed (i.e. button or touch screen), that the object is in a particular location (i.e. placed next to an object or within a certain geographic region), and even that the object receives a physical input (i.e. a voltage signal) from an external source (i.e. remote computing).
5. In the particular case, Libes teaches the detection of physical phenomenon, i.e. that the objects are touching, are nearby, and/or are both in physical contact with the user. In other words, it is physical manipulation to drop one device next to the other, and the devices are capable of reacting to that and acting accordingly.

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6. As for claims 3 and 4, a person of ordinary skill in the art would recognize the functional equivalence of RFID tags and Libes' "short-range radio-frequency transmitter and receiver plugs (Para. 38)," in light of how the RFID tags are described in the claims. The test for novelty is not whether the specific term is used but whether the art matches the claim in structure and functionality.

7. For claim 22, Libes teaches that the direction of data transfer is based on the manipulation; the device that makes the detection of proximity is the transmitter first (Para. 37).

8. Applicant also argues, in regards to claim 63, about adapting the behavior of an application. Once again, this term must be read in light of the broadest reasonable interpretation, wherein application may include the synchronization program, and behavior may include its initialization. Furthermore, proximity activities may adjust the behavior of other programs (Para. 45).

9. Therefore, the rejection is maintained for the reasons above. This rejection is final.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-3, 5-12, 14-18, 20-22, 24-31, 62-64, 66-74, 76-80, 82-89 are rejected under 35 U.S.C. 102(e) as being anticipated by Libes (2003/0162556).

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12. For claim 1, Libes teaches a method (abstract) of creating an ad-hoc connection between at least two electronic devices for enabling an interaction between said at least two electronic devices (Paras. 1-30, 49), said method comprising at a first one of said electronic devices (Para. 31):

- a. detecting a hugging state (handshaking connection) between said first electronic device and a second one of said electronic devices (Para. 32), a hugging state being assumed to be given if said first electronic device and said second electronic device are at least in close vicinity to each other (Para. 33) and a piece of information is received by said first electronic device directly from said second electronic device (Para. 39);
- b. in case a hugging state is detected, obtaining a handle proceeding from said received piece of information (Paras. 32 and 39, handshaking data), said handle comprising at least an address of at least one other of said at least two electronic devices than said first electronic device (Paras. 32 and 43, wireless network address); and
- c. establishing a communication channel between said first electronic device and said at least one other of said electronic devices using said address included in said handle (Paras. 41-45);
- d. detecting by at least one sensor (Paras. 33-39);
- e. adapting the behavior of an application of said first electronic device to measurement results of said sensor (Paras. 33-39).

13. For claims 2, 64, Libes teaches that detecting said hugging state requires at least one of detecting a physical touch between said first electronic device and said second electronic device, detecting a short distance between said first electronic device and said second electronic device

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and detecting a pointing of one of said first electronic device and said second electronic device to the respective other one of said first electronic device and said second electronic device (Paras. 33-39).

14. For claims 3, 65, Libes teaches that detecting said hugging state requires receiving a content of a radio frequency identification tag of said at least one other of said electronic devices as said piece of information from said second electronic device (Para. 38).

15. For claims 5, 66, 67, Libes teaches that said received piece of information comprises an address of said at least one other of said electronic devices (Paras. 32, 43) and wherein said first device obtains said handle by using said address at least as part of said handle (Paras. 39-41).

16. For claims 6, 68, Libes teaches that said first device obtains said handle by exchanging further pieces of information with said second device (Para. 32, security key, manufacturer's information; Para. 44, error correction codes).

17. For claims 7, 69, Libes teaches that said handle comprises further information for at least one of establishing said communication channel and using an established communication channel (Para. 43).

18. For claim 8, Libes teaches that said communication channel is set up according to one of predefined user preferences and a user input (Paras. 36, 43-45).

19. For claim 9, Libes teaches monitoring conditions on said established communication channel and updating said communication channel in case said conditions are detected to be worse than predetermined conditions (Paras. 41, 45).

20. For claims 10, 70, Libes teaches that said communication channel uses one of a direct link between said first electronic device and said at least one other of said electronic devices and

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an indirect link between said first electronic device and said at least one other of said electronic devices (Para. 32).

21. For claim 11, 71-73, Libes teaches that said communication channel uses a link between said first electronic device and said at least one other of said electronic devices enabling an interaction via said communication channel over any distance, at least as soon as said first electronic device and said at least one other of said electronic devices reach a distance to each other which does not permit a use of another type of link for an interaction via said communication channel (Para. 43).

22. For claim 12, 74, Libes teaches performing a security operation for determining at least one of whether said communication channel is allowed to be established between said first electronic device and said at least one other of said electronic devices and whether said communication channel is allowed to be used for a specific data transmission (Para. 32).

23. For claim 14, Libes teaches notifying at least one application in at least one of said first electronic device and said at least one other of said electronic devices about said communication channel (Para. 43).

24. For claims 15, 77, Libes teaches wherein a notified application starts an automatic interaction via said communication channel with another application (Para. 45).

25. For claims 16, 78, Libes teaches that said at least one application is an application currently used by a user of said first electronic device or of said at least one other of said electronic devices (Para. 43).

26. For claims 17, 79, Libes teaches invoking at least one application or at least one function of at least one application in at least one of said first electronic device and said at least one other

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of said electronic devices (Para. 43), in order to enable said at least one invoked application or at least one invoked function to interact via said communication channel with another application (Para. 45).

27. For claims 18, 80, Libes teaches establishing said communication channel is followed by a context dependent interaction via said communication channel with said at least one other of said electronic devices (Paras. 31-32, 39-45).

28. For claims 20, 82, Libes teaches that said first electronic device receives from said second electronic device during a hugging state in addition to said piece of information an application specific information (Paras. 43-45).

29. For claim 21, Libes teaches that said at least one other of said electronic devices via the established communication channel an application specific information (Paras. 43-45).

30. For claims 22, 83, Libes teaches that adapting the behavior of an application comprises determining a direction in which data is transmitted via said established communication channel between applications of said first device and of said at least one other of said electronic devices (Paras. 39-41).

31. For claims 24, 84, Libes teaches selecting a suitable data format for data which is to be transmitted via said communication channel (Para. 39).

32. For claims 25, 85, Libes teaches terminating said established communication channel in case of at least one of a predetermined period during which said communication channel is not used for some interaction between said first electronic device and said at least one other of said electronic devices, an application using said communication channel causes said communication channel to be terminated, and a hugging state is detected for a second time (Paras. 36, 45).

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33. For claim 26, Libes teaches that said at least one other of said electronic devices comprises said second electronic device (Para. 31).

34. For claim 27, Libes teaches that said at least one other of said electronic devices is different from said second electronic device (Para. 31).

35. For claims 28, 89, Libes teaches (abstract) an apparatus (Paras. 1-31, 49) comprising:

- a. a touch detection portion (Para. 33), which touch detection portion is configured to detect a hugging state between said apparatus and a further apparatus (Paras. 31-32), a hugging state being assumed to be given if said apparatus and said further apparatus are at least in close vicinity to each other (Para. 33) and a piece of information is received by said apparatus directly from said further apparatus (Para. 39), and which touch detection portion is configured to obtain a handle proceeding from a piece of information received from a further apparatus in case a hugging state is detected (Paras. 32, 39), said handle comprising at least an address belonging to at least one apparatus other than said apparatus (Paras. 32, 43); and
- b. a link creation portion which is configured to establish a communication channel to at least one other apparatus using an address included in a handle provided by said touch detection portion for enabling an interaction with said at least one other apparatus (Paras. 41-45); and
- c. a control logic portion which is configured to adapt the behavior of an application of said apparatus to results of measurements by at least one sensor that is configured to detect physical manipulations of said apparatus (Paras. 30-39).

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36. For claim 29, Libes teaches that said touch detection portion and said link creation portion are integrated into an expandable framework including an additional control portion, wherein said touch detection portion and said link creation portion are connected to said additional control portion, wherein said additional control portion is configured to be supplemented by functional blocks supporting a respective service, and wherein said additional control portion comprises at least one interface for enabling an input to functional blocks added to said additional control portion (Para. 45).

37. For claim 30, Libes teaches an expandable framework (abstract) for an electronic device (Paras. 1-30, 49), said expandable framework comprising:

- a. a touch detection portion, a link creation portion and an additional control portion (Para. 31);
- b. wherein said touch detection portion is configured to detect a hugging state between said electronic device and a further electronic device (Para. 32), a hugging state being assumed to be given if said electronic device and said further electronic device are at least in close vicinity to each other (Para. 33) and a piece of information is received by said electronic device directly from said further electronic device (Para. 39), and which touch detection portion is configured to obtain a handle proceeding from a piece of information received from a further electronic device in case a hugging state is detected (Paras. 32, 39), said handle comprising at least an address belonging to at least one electronic device other than said electronic device (Paras. 32, 43);
- c. wherein said link creation portion is configured to establish a communication channel to at least one other electronic device using an address included in a handle

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provided by said touch detection portion for enabling an interaction with said at least one other electronic device (Paras. 41-45);

d. wherein said touch detection portion and said link creation portion are connected to said additional control portion (Para. 45); and

e. wherein said additional control portion is configured to be supplemented by functional blocks supporting a respective service, and comprises at least one interface for enabling an input to functional blocks added to said additional control portion (Para. 45); and

f. wherein said additional control portion is configured to adapt the behavior of an application of said electronic device to results of measurements by at least one sensor that is configured to detect physical manipulations of said electronic device (Paras. 30-39).

38. For claim 31, Libes teaches a software program product in which a software code (abstract) for creating an ad-hoc connection between at least two electronic devices for enabling an interaction between said at least two electronic devices is stored (Paras. 1-30, 49), said software code realizing the following steps when running in a first one of said electrical devices:

a. detecting a hugging state between said first electronic device and a second one of said electronic devices (Para. 32), a hugging state being assumed to be given if said first electronic device and said second electronic device are at least in close vicinity to each other (Para. 33) and a piece of information is received by said first electronic device directly from said second electronic device (Para. 39);

b. in case a hugging state is detected, obtaining a handle proceeding from said received piece of information (Paras. 32, 39), said handle comprising at least an address

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of at least one other of said at least two electronic devices than said first electronic device (Paras. 32, 43); and

c. establishing a communication channel between said first electronic device and said at least one other of said electronic devices using said address included in said handle (Paras. 41-45); and

d. adapting the behavior of an application of said first electronic device to results of measurements by at least one sensor that is configured to detect physical manipulations of said first electronic device (Paras. 30-39).

39. For claims 62, 86, Libes teaches that said results of said measurements indicate an orientation and/or a motion of said first apparatus (Figs. 3-10).

40. For claims 63, 87, Libes teaches that said application is an application making use of said communication channel (Fig. 21).

41. For claim 76, Libes teaches that said apparatus further comprises an application selector configured to notify at least one application in at least one of said apparatus and said at least one other apparatus about said communication channel (Para. 45).

42. For claim 88, said apparatus is a mobile device (Figs. 1-3).

Claim Rejections - 35 USC § 103

43. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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44. Claims 4, 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Libes as applied to claims 1, 3, 28 above, and further in view of Peters (6,601,093).

45. For claims 4, 65, Libes does not expressly disclose that said first device obtains said handle by retrieving a stored address which is mapped to a received radio frequency identification. Peters teaches a method and system (abstract) of performing address resolution in an ad-hoc networking environment (col. 1, line 1 – col. 5, line 30; col. 9, lines 5-55) by sending a handle comprising an address (col. 5, line 30 - col. 6, line 45) in a radio frequency identification tag environment (col. 6, lines 45-55), wherein an identification is mapped to a stored address (col. 7, line 20 - col. 9, line 5). At the time the invention was made, one of ordinary skill in the art would have added Peters to Libes in order to improve dynamic address handling in communications (col. 1, line 40 – col. 2, line 60).

46. Claims 13, 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Libes as applied to claims 1, 28 above, and further in view of Haartsen (2004/0110508).

47. For claim 13, 75, Libes does not expressly disclose preventing the existence of parallel communication channels created by said at least one other of said electronic devices and said first electronic device. Haartsen teaches a method and system (abstract) of forming ad-hoc radio networks (Paras. 1-72 and 132-137) that contains this limitation (Paras. 74-76, 82-83). At the time the invention was mad, one of ordinary skill in the art would have added Haartsen to Libes in order to improve node discovery (Para. 24).

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48. Claims 19, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libes as applied to claims 1, 28 above, and further in view of Kreiner et al. (7,224,698).

49. For claim 19, 81, Libes does not expressly disclose at least one of a copy-and-paste functionality, a cut-and-paste functionality and a drag-and-drop functionality in said first device makes use of said established communication channel for interacting with said at least one other of said electronic devices. Kreiner teaches a method and system (abstract) for sharing information over an ad-hoc network (col. 1, line 1 – col. 8, line 37) that uses this functionality (col. 8, line 37 – col. 9, line 45). At the time the invention was made, one of ordinary skill in the art would have added Kreiner in order to keep information synchronized (col. 1, line 60 – col. 2, line 20).

Conclusion

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

51. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. H. P./
Examiner, Art Unit 2445
29 January 2009

/Larry D Donaghue/
Primary Examiner, Art Unit 2454